

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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RUBEN VICTOR CENTENO-BERNUY, et al.,

Plaintiffs,

v.

DONALD A. PERRY,

Defendant.

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ORDER  
03-CV-457

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A). On July 14, 2009, Magistrate Judge Schroeder filed a Report and Recommendation, recommending defendant's motion to dismiss the complaint and preliminary injunction be denied and plaintiffs' motion be granted in so far as plaintiffs seek a determination that defendant retaliated against them in violation of 29 U.S.C. § 215(a)(3), but denied in so far as plaintiffs seek the remedy of a permanent injunction.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties. No objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss the complaint and preliminary injunction is denied and plaintiffs'

motion is granted in so far as plaintiffs seek a determination that defendant retaliated against them in violation of 29 U.S.C. § 215(a)(3), but denied in so far as plaintiffs seek the remedy of a permanent injunction.

The parties shall appear in Court on August 28, 2009 at 9:00 a.m. for a meeting to set a trial date.

SO ORDERED.

*s/ Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: August 5, 2009